

***Objections/Rejections  
Under 35 U.S.C. §103***

**1.0**     *The Examiner has rejected claims 1-17 as obvious over McCann.*

SUMMARY OF CITED REFERENCE

**McCann (United States Patent No. 6,253,141)** discloses a braking system for a motor vehicle utilizing a brake control system and a lateral accelerator sensor to apply the brakes when lateral acceleration exceeds a given threshold.

SUMMARY OF CLAIMED INVENTION

**The Present Claimed Invention** is directed to a cruise control swerve release system effective for automatically and directly disengaging a cruise control system when a vehicle experiences a threshold value of lateral acceleration indicative of a loss or impending loss of driver control.

LEGAL BASIS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See, M.P.E.P. § 2143.

MCCANN DOES NOT DISCLOSE EACH AND  
EVERY ELEMENT OF THE CLAIMED INVENTION.

McCann discloses a system that automatically engages the brakes of a vehicle when the vehicle experiences a threshold value of lateral acceleration. McCann does not teach, disclose, or

suggest a system which automatically and directly disengages the cruise control system on a vehicle when the vehicle experiences a threshold value of lateral acceleration.

MCCANN PROVIDES NO MOTIVATION  
TO MODIFY THE PRIOR ART SYSTEM  
TO ACHIEVE THE PRESENT INVENTION.

In order to determine the propriety of an obviousness rejection, it is necessary to ascertain whether or not the reference motivates one of ordinary skill in the relevant art, having the reference before him, to make the proposed substitution, combination, or modification. In re Linter, 458 F.2d 1013, 173 U.S.P.Q. 560, 562 (CCPA 1972). Obviousness can only be established where there is some teaching, suggestion, or motivation in the prior art or in the knowledge generally available to one of ordinary skill in the art, to combine the references and produce the claimed invention. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). See, M.P.E.P. §2143.01.

McCann discloses a system that automatically engages the brakes of a vehicle when the vehicle experiences a threshold value of lateral acceleration. The system automatically removes braking authority from the driver when the threshold value of lateral acceleration is detected. McCann does not disclose, teach, or suggest disengaging the cruise control system through use of the automatic brake control system. While it is acknowledged that vehicles equipped with a cruise control system also include a brake release for disengaging the cruise control system when the brake pedal is depressed, McCann does not disclose whether the automatic brake control system communicates with the braking system so as to trip the brake release for the cruise control when the brakes are automatically applied by the automatic brake control system.

Furthermore, McCann does not disclose, teach, or suggest direct communication between the lateral acceleration sensor and the cruise control system so as to permit deactivation of the cruise control system without braking the vehicle. The present claimed invention is directed to a system containing a lateral acceleration sensor in direct communication with the cruise control system to disengage the cruise control when a threshold value of lateral acceleration is achieved. This permits the present claimed invention to (i) establish the threshold value based upon the need

to return forward accelerative control to the driver rather than the need to apply the brakes of the vehicle, and (ii) achieve this desired effect without removing braking authority from the driver of the vehicle.

### CONCLUSION

Applicant respectfully submits that all pending claims (claims 1-17) are in condition for allowance.

Respectfully submitted,

Date

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By

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1. (Once Amended) A system for automatically disengaging a cruise control system on a motorized vehicle when the vehicle experiences a lateral acceleration in excess of a predetermined threshold value, comprising:
  - (c) a sensor mounted upon the vehicle for sensing lateral acceleration of the vehicle; and
  - (d) a controller in direct communication with the sensor and the cruise control system for disengaging the cruise control system when the sensor detects a lateral acceleration in excess of a predetermined threshold value.
11. A safety system for a motorized vehicle equipped with a cruise control system, comprising:
  - (a) an accelerometer mounted upon the vehicle so as to sense lateral acceleration of the vehicle and generate a lateral acceleration signal having a value proportional to the sensed lateral acceleration; and
  - (b) a controller in direct electrical communication with the accelerometer and the cruise control system for disengaging the cruise control system upon receiving a lateral acceleration signal in excess of a predetermined threshold value.
17. (Once amended) A method for automatically disengaging a cruise control system on a motorized vehicle when the vehicle experiences a lateral acceleration in excess of a predetermined threshold value, comprising:
  - (a) sensing lateral acceleration of the vehicle; and
  - (b) automatically and directly disengaging the cruise control system when the sensor detects a lateral acceleration in excess of a predetermined threshold value.